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Permanent Forum on Indigenous Issues
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Special theme: the Millennium Development Goals and indigenous peoples: redefining the Goals

Ongoing priorities and themes: human rights, with special emphasis on interactive dialogue with the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people

Information received from non-governmental organizations

Indian Law Resource Centre and VIVAT International

Summary

In its report on its fourth session, held from 16 to 27 May 2005, the Permanent Forum on Indigenous Issues identified proposals, objectives, recommendations and areas of possible future action and recommended that States, organizations of the United Nations system and intergovernmental organizations, indigenous peoples and non-governmental organizations assist in their realization. Information received in this regard from non-governmental organizations is contained in the present document.

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I. Indian Law Resource Centre, a non-governmental organization on the Roster

1. The Millennium Development Goals are derived from the United Nations Millennium Declaration adopted in 2000, which recognized and reaffirmed human rights treaties. This implies that States cannot achieve the Goals while disregarding human rights principles, including the principle of non-discrimination.[1] In the case of indigenous peoples, upholding human rights norms and principles is critical, owing to the negative impact many development policies and practices have on indigenous peoples' lands and livelihoods. The Permanent Forum on Indigenous Issues and the Inter-Agency Support Group on Indigenous Issues have specifically noted that efforts to meet the Goals could have harmful effects on indigenous peoples, such as the acceleration of the loss of lands and natural resources on which their livelihoods depend or their displacement from those lands (see E/C.19/2005/2).

2. Indigenous lands and resources are particularly vulnerable to unjust expropriation or loss because of the enormous disparity in wealth and power between most indigenous peoples and the economic interests that seek to use, exploit or expropriate indigenous lands and resources.[2] These economic interests include States, private corporations and banks, and international financial institutions. International financial institutions pose specific threats to indigenous peoples' rights and interests because they finance many large infrastructure or extractive industry projects within indigenous lands and territories. Although such projects have had devastating impacts on indigenous peoples in the past, the World Bank, the Inter-American Development Bank and other international financial institutions are once again pushing for a revitalization of large industrial and infrastructure projects. The World Bank, in particular, had decided in 2003 to embark on what it called a "high-risk/high-reward" strategy. It lifted its ban on the financing of commercial logging operations in rainforests, announced its renewed support of contentious large dams, and is considering support for massive oil, gas, and mining projects in high-risk environments.[3] The World Bank and other international financial institutions are financing such projects without assuming any explicit legal responsibilities for upholding human rights norms, despite the great dangers those projects pose to the environment and the well-being of indigenous peoples and other affected communities.

3. As pointed out, on various occasions, international financial institutions have been complicit in human rights violations when they financed Governments and/or corporations that directly engaged in human rights abuses. The Chad-Cameroon pipeline project is a notorious example.[4] This project, one of the largest private sector investment projects in Africa, transports oil from the Doba oilfields in

[1] "Newsletter: The ILO and Indigenous and Tribal Peoples", April 2005.

[2] Robert T. Coulter, Indian Law Resource Centre, "Indigenous Land and Resource Rights: implementation and monitoring" (HR/GENEVA/IP/SEM/2006/BP.2), document prepared for the Expert Seminar on Indigenous Peoples' Permanent Sovereignty over Natural Resources and on Their Relationship to Land, 25-27 January 2006, Geneva.

[3] Friends of the Earth, Environmental Defense Fund and International Rivers Network, "Gambling with peoples lives: what the World Bank's new 'high-risk/high-reward' strategy means for the poor and the environment", September 2003.

[4] Amnesty International, "Contracting out of human rights: the Chad-Cameroon pipeline project", September 2005.

southern Chad to a Cameroonian Atlantic port. The pre-lending assessment of the International Finance Corporation did not take into account the potential human rights impact of the framework of legal agreements, known as host government agreements, signed between the ExxonMobil-led consortium and the Governments of Chad and Cameroon. These agreements are designed to reduce the financial and political risks posed to foreign investors by sudden changes in national laws. Such agreements create an incentive to weaken national laws and human rights protection by requiring countries to pay large penalties if they interrupt the operation for any reason. Amnesty International has noted that the perverse incentives created by such agreements and endorsed by the international financial institutions that provide financing, undermine the human rights obligations of the States and the responsibilities of the companies involved.

4. Many international financial institutions also undermine the human rights of indigenous peoples by actively promoting agreements or joint-venture partnerships with third parties who ignore the rights of local communities when implementing international financial institution-financed projects. Large conservation organizations, for example, have recently come under scrutiny for their increased reliance on funding from bilateral and multilateral finance agencies. It has been noted that the new joint ventures, cooperative agreements, and partnerships those organizations form with corporations and multilateral finance agencies have resulted in growing conflicts of interest and a disturbing neglect of the indigenous peoples the conservation of whose land the organizations are in business to protect.[5] Specifically, it has often led to disagreement over the establishment of protected natural areas and biological corridors; the eviction and internal displacement of indigenous peoples; the land's traditional uses being declared "illegal", resulting in prosecution of the inhabitants by government authorities or private security forces; and the partnering of conservation organizations with multinational corporations — particularly in the businesses of gas and oil, pharmaceuticals and mining — that are directly involved in pillaging and destroying forest areas owned by indigenous peoples.[6] Even where indigenous peoples are provided with "co-management" opportunities, they often become permanently indentured as park rangers, porters, waiters, harvesters or ecotour guides; under this model, it has been noted that "'conservation' edges ever closer to 'development', while native communities are assimilated into the lowest ranks of national cultures".[7]

5. Given the influence that international financial institutions exert over borrower countries, the scale of the joint ventures they establish with corporations and banks and conservation organizations, and the magnitude of the impact of their activities, the human rights responsibilities of international financial institutions should be addressed by the Permanent Forum and other United Nations bodies. The Permanent Forum should acquire research and monitoring functions in order to promote implementation of and respect for indigenous land and resource rights, and to address the manner in which the policies and practices of international financial institutions — and their partners and clients — adversely affect those rights.

[5] Mac Chapin, "A challenge to conservationists", *World Watch Magazine*, November/December 2004.

[6] Ibid., p. 18.

[7] Mark Dowie, "Conservation refugees", *Orion Magazine*, November/December 2005. Available from www.oriononline.org.

Specific recommendations

6. The recognition of indigenous peoples as distinct peoples and the respect for their human rights, rights to lands and territories and sustainable use of natural resources are crucial for achieving sustainable development and for poverty eradication.[8] The Permanent Forum should assume a constructive role regarding problems pertaining to indigenous peoples' rights to lands, territories and resources, with specific attention to indigenous peoples' right to permanent sovereignty over natural resources. The Secretariat should specifically work with the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies to follow up on the recommendations included in the reports written by the Special Rapporteur of the Commission on Human Rights, Erica-Irene A. Daes,[9] as well as the recommendations of the Expert Seminar on Indigenous Peoples' Permanent Sovereignty over Natural Resources and on Their Relationship to Land.[10]

7. As a follow-up to the meetings that the Permanent Forum held with the World Bank and international financial institutions in November 2005, the Permanent Forum should continue to hold regular dialogues with international financial institutions to alter the implementation of their policies and activities so as to ensure stronger protection for indigenous peoples' land and resources rights, including free prior informed consent, and to prevent forced relocation. Such dialogues should also promote a general adherence of international financial institutions to international human rights norms. Similarly, the Permanent Forum should regularly dialogue with conservation organizations, especially those implementing international financial institution-financed activities.

8. The Permanent Forum should initiate efforts to research, gather information, and compile case studies that demonstrate the systematic manner in which activities of the international financial institutions may lead to human rights abuses on indigenous land and territories. Such a study will be necessary to make a case for stronger compliance with international human rights norms on the part of international financial institutions.

9. The Permanent Forum should promote the need for new human rights standards that apply directly to multilateral development banks and other international financial institutions within the standard-setting body of the new Human Rights Council. Such standards are needed because these banks operate with no applicable law. New standards should be drafted to address clearly the specific activities and decisions of these banks that constitute, result in or lead to violations of human rights, especially in relation to indigenous peoples.

10. The Permanent Forum should assume a constructive role in militating against intrusion, other forms of penetration, and infringement upon indigenous land rights by States, corporations and international financial institutions. To prevent such intrusions and other human rights abuses, there is a need for established and well-funded mechanisms for negotiation and

[8] See *Official Records of the Economic and Social Council, 2005, Supplement No. 23* (E/2005/43 and Corr.1 and 2).

[9] E/CN.4/Sub.2/2001/21 and E/CN.4/Sub.2/2004/30 and Add.1.

[10] Available from http://www.ohchr.org/english/issues/indigenous/sovereignty.htm.

agreement between the State and indigenous peoples, between international financial institutions and indigenous peoples, and between conservation groups and indigenous peoples so as to implement the establishment of indigenous land and resource rights.

11. **In the face of threats from multiple economic interests, it is critical that indigenous peoples be provided with international technical assistance and cooperation on negotiation and conflict resolution from a human rights perspective. The Permanent Forum should help establish such mechanisms to provide technical assistance to indigenous peoples.**

II. VIVAT International, a non-governmental organization, in special consultative status with the Economic and Social Council

12. The indigenous peoples are bearing the brunt of injustice and poverty for most of their lives. VIVAT International has journeyed with indigenous peoples, ranging from the Fon, Adja, Yoruba, Somba and Bariba of Benin in Africa, to the Mamanwas and Igorots of the Philippines in Asia, in their struggle for a just, decent and dignified life. Indigenous peoples in many regions of the world continue to face a future of uncertainty. Unfortunately, the plight of the indigenous peoples has been largely ignored.

13. The indigenous peoples belong to the invisible sector of society. They are rarely mentioned, much less consulted on national decisions made, even if those decisions directly affect them. Even statistics ignore them! We therefore support all efforts to make them visible, foremost of which is acknowledging their right to free, prior and informed consent on matters that directly concern them. If the Millennium Development Goals are to be achieved, we must start with the indigenous peoples, as the theme suggests. Thus, redefining the Millennium Development Goals is a matter of integrating indigenous peoples' concerns under the Goals rubric. We must not ignore them but rather learn from them.

14. Our experience tells us that indigenous peoples can be models for sustainable development, alternative governance and communal living that is centred on the family. They are promoters of the integrity of creation: respect for nature, lasting relationships with each other and creation, promotion of life, unity in the midst of diversity and self-determination; yet, we seldom take note of them and learn from them.

15. Integration is not the same as assimilation. Integration is based on human rights and respect for and openness to diversity. Assimilation leads to uniformity, where there is little room for cultural diversity. Victoria Tauli-Corpuz, Chairperson of the Permanent Forum on Indigenous Issues, advocated in her speech on "Indigenous peoples and the Millennium Development Goals": "More in-depth discussions and dialogues among indigenous peoples and between them and Governments, intergovernmental bodies and the broader society to develop further their perspectives and recommendations on indigenous development paradigms. These should further develop and popularize concepts such as 'ethno-development', 'life-projects', 'development with identity', and so forth. Such processes will elaborate further on how to address the structural causes of indigenous poverty."

Hearing their voices can give the world a new impetus for a just and sustainable development.

16. The following issues are crucial in order for the Millennium Development Goals to be achieved by 2015. The international community and the Governments need to pay urgent attention to them. They are:

- Lack of access to basic services like clean water, shelter, land, education, medicine and good governance
- Continuing historical, structural and cultural prejudice and political neglect
- Militarization of the areas where indigenous people live, resulting in displacement and making them internal refugees
- Displacements and violation of human rights caused by operations of large industries that, in extracting resources using open-pit mining and dams, destroy the environment, which in most cases is the home of indigenous peoples
- The fact that indigenous peoples in many countries have no right to own land and are not allowed to develop their own language, culture and traditions
- The fact that indigenous workers not only are poorly educated for formal employment, but also experience poor health, thereby perpetuating the "cycle of poverty"

17. Therefore, we urge all Governments and international bodies to:

- **Heed the International Expert Group which stated at the International Expert Group Meeting on the Millennium Development Goals, Indigenous Participation and Good Governance (New York, 11-13 January 2006): "We reaffirm our commitment to continue making progress in the advancement of the human rights of the world's indigenous peoples at the local, national, regional and international levels, including through consultation and collaboration with them, and to present for adoption a final draft United Nations declaration on the rights of indigenous peoples as soon as possible" (see General Assembly resolution 60/1, para. 127).**
- **Institute a genuine dialogue process with indigenous peoples living in their territory. As stated by Victoria Tauli-Corpuz: "The assertions of indigenous peoples that their cultures, governance and economic systems, and identities and their rights to be distinct should be respected and considered in nation-building was a clarion call for some Governments to take a second look at how they have regarded indigenous peoples found within their national borders" ("In larger freedom: the challenge of partnerships from indigenous peoples' perspectives", presentation at the 58th Annual DPI/NGO Conference, United Nations, New York, 7-9 September 2005, p. 3).**
- **Implement promises made at the 2005 World Summit, especially the Millennium Development Goals of providing food, and start with our indigenous brothers and sisters.**

- **Support United Nations efforts to make our indigenous brothers and sisters visible and heard internationally through the Permanent Forum on Indigenous Issues.**